

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA				
CHARLOTTE DIVISION				
3:04CV390-MU				
Larry J. Hicks and Glenda W. Hicks, d/b/a/ Hicks 76, Pertrol Stop, d/b/a Paul 76, Nayala, Inc., Dwarkabas Shah, DV Shah Corp., Rajendra Gandhi, Sisha, Inc., d/b/a Eastway 76, D.C. Carlton, Inc., D.C. Carlton, II, Inc. and Donnell Carlton,)		ORDER OF DISMISSAL	
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Plaintiffs,)			
)			
vs.)			
)			
Tosco Marketing Company, a division of Tosco Corporation, Nevada Corporation and ConocoPhillips Services, Inc., Texas Corporation,)			
)			
)			
Defendants.)			

Upon motion of the Plaintiffs, and it appearing the Defendants have consented hereto, it is hereby ordered that the Plaintiffs' complaint and the Defendants' counterclaim are dismissed without prejudice subject to the following term: If the Plaintiffs re-file any of the claims asserted in this lawsuit against any of the Defendants herein, the Plaintiffs or the Defendants, whoever may be successful in the re-filed litigation, shall have the right to seek reimbursement from the other any costs or fees incurred in this lawsuit as if those

costs or fees had been incurred in the re-filed lawsuit.

IT IS SO ORDERED.

We so move:

/s/Larry J. Hicks

Larry J. Hicks, individually and *doing business as Hicks 76*

/s/Glenda W. Hicks

Glenda W. Hicks, individually and *doing business as Hicks 76*

Petrol Stop, Inc. doing business as Paul's 76 and inadvertently identified in the complaint herein both as Petrol Shop, Inc. and Pertol Shop, Inc.

By: Utpal B. Parikh, President

/s/Dwarkabas Shah

Dwarkabas Shah, individually and on behalf of **DV Shah Corporation**

/s/Donnell Carlton

Donnell Carlton, individually and on behalf of **Carlton, Inc. doing business as Monroe 76** and on behalf of **D.C. Carlton, II, Inc. doing business as Tryon 76**

/s/Lee D. Andrews

Lee D. Andrews

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Attorney for the Plaintiffs

We consent:

/s/Kenneth R. Raynor

Kenneth R. Raynor

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Attorney for the Defendants

Signed: March 6, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

